IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :13557 of 2006

Dated 18th July, 2006

Between

E.Rohith Reddy …Petitioner

And

NTR University of Helath Sciences, AP, Hyderabad and anr.

….Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 135557 of 2006

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in awarding nil marks to certain questions, and, undervaluing certain answers given by the petitioner in the subjects of Bio-Chemistry and Physiology in the First Year MBBS Examination held in April, 2006, as illegal and arbitrary and for consequential direction to call for the answer scripts and send the same to an expert for revaluation.

It is the case of the petitioner that though he has answered certain questions very well even in the subjects of Bio-Chemistry and

Physiology, but however, without any valid reason, no marks have been awarded to some of the answers.

The petitioner appeared for the MBBS First year examination held in April, 2006. The minimum marks to be secured in each subject are 60. The petitioner secured 64 marks out of 120 in the subject of Anatomy, but, however, he secured only 58 marks out of 120 in the subject of Bio-Chemistry and 56 marks out of 120 in the subject of Physiology and as such, he was declared fail in the said subjects.

When the matter has come up on earlier occasion, the learned Standing Counsel appearing for the respondents took time to get instructions. To day, when the matter is called, it is submitted by the learned Standing Counsel for the respondents that the answers scripts of the petitioner were verified and found to be correct and he was not qualified having regard to marks secured by him in the subjects of Bio-Chemistry and Physiology.

Except his own assessment with regard to the correctness of the answers, there is no other basis for filing this Writ petition. Students' assessment with regard to correctness of answer is not relevant factor for award of marks. It is ultimately for the examiner to value the paper and award marks. Further, it is also brought to my notice that there is no provision in the academic regulations for revaluation of the answer scripts. It is fairly well settled that in absence of any provision for revaluation in the academic regulations, merely because student did not get marks as per his/her assessment is no ground either to order for revaluation or to call for the answer scrip by this court in exercise of powers under Article 226 of the Constitution of India. In that view of the matter, I do not find any valid ground for grant of relief as prayed for.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 18-07-2006.
Msnr.